

**V.**

U.S. Army, (b) (6)

**Army Garrison, Joint Base Myer-Henderson Hall)**

## Defense Motion to Amend Protective Order

**17 August 2012**

APPELLATE EXHIBIT 245  
PAGE REFERENCED: \_\_\_\_\_  
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## LEGAL AUTHORITY

Protective Order for Classified Information, 16 March 2012

## ARGUMENT

The Defense requests this Court re-examine paragraphs "l" and "m" of its 16 March Protective Order to grant the relief requested. Here are the specific changes believed appropriate:

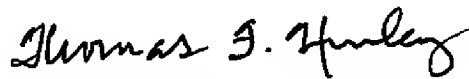
- a. The "Area of Review" paragraph should be changed to include the undersigned's current office as well as the neighboring higher-than-SECRET facility. A change to this paragraph would require modification of subparagraphs l(1), l(2), and l(5).
- b. The restriction on copying classified documents (subparagraph l(3)) should be changed to allow the undersigned to print or copy classified discovery provided to him by the Government.
- c. The admonishment to only use the three government computers for classified filing should be changed to allow the undersigned to use his classified government desktop computer for purposes described in subparagraph l(4) as well as the three classified laptop computers already provided to the Defense.

There is disagreement between the parties as to the meaning of the Protective Order. The Defense would request that this Court explicitly authorize the undersigned to do the following.

- a. Use his SIPRNET computer and connection to classified networks in furtherance of his lawful preparation for this trial with no supervision.
- b. Communicate with the Government as well as the Court (through the Court Security Officer) about any procedural or substantive matter that should be discussed over a classified system. This communication would include, but not be limited to, a request for information as to how to access discovery provided to the Defense by the Government as well as filing classified documents with the Court Security Officer and providing a copy of those documents to the Government.

## CONCLUSION

The Defense respectfully requests that this Court amend its 16 March 2012 Protective Order for Classified Information. Specifically, the undersigned defense counsel requests that (1) his office be identified as an approved location to store SECRET information relevant to this case, (2) his office be identified as an approved location to work on (including discuss) SECRET information relevant to this case, (3) the neighboring appropriate facility be identified as a location to review and store information classified at a higher-than-SECRET level, and (4) the individual and collective equipment in his current office be authorized to be used in furtherance of his representation of PFC Manning.

  
THOMAS F. HURLEY  
MAJ, JA  
Defense Counsel